

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

INFO OSAF WASHDC/CG

HQ USAF WASHDC/JACI/PRQ

SECDEF 'ASHDC/ISA/FMRA

FT DEVENS EXCHANGE MASS

UNCLAS STATE 205280

E.O. 11652: N/A

TAGS: MILI, CA

SUBJECT:LABOR PROBLEMS AT GOOSE BAY

REF: STATE 015371

1. A LETTER DATED MAY 17, 1977, FROM MR. BANNING HARDIE, DIRECTOR, ATLANTIC REGION, CANADIAN DEPT. OF LABOR, TO MR. H.B. ROBINSON, UNDER SECRETARY OF STATE, CANADIAN DEPARTMENT OF EXTERNAL AFFAIRS, AND PASSED INFORMALLY TO THE DEPARTMENT, INQUIRED WHETHER A VISIT BY CANADIAN LABOR AUTHORITIES TO PEASE AFB, NEW HAMPSHIRE, TO DISCUSS THE SHEILA SCOTT CLAIM WOULD BE WORTHWHILE.

2. USAF ADVISED THAT SUCH RECORDS AS HAVE BEEN FOUND ARE LOCATED AT THE NEW ENGLAND AREA EXCHANGE, FORT DEVENS, MASS. THUS, A VISIT TO PEASE AFB WOULD NOT BE WORTHWHILE, NOR, FOR THE REASONS INDICATED BELOW, WOULD A VISIT TO FORT DEVENS UNCLASSIFIED

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BE APPROPRIATE AT THE PRESENT TIME.

3. REFTEL SET FORTH IN DETAIL THE USG POSITION ON THE SHEILA SCOTT CLAIM. NO ADDITIONAL EMPLOYEE RECORDS HAVE BEEN FOUND SINCE REFTEL WAS DISPATCHED. AMONG THE MISSING RECORDS ARE THE TIME AND ATTENDANCE CARDS FOR GOOSE BAY EXCHANGE RETAIL STORE EMPLOYEES PRIOR TO FY 1977. IT DOES NOT APP-

EAR THAT ANY ADDITIONAL RECORDS WILL BE FOUND.

4. ALTHOUGH TIME AND ATTENDANCE RECORDS FOR THE PERIOD IN QUESTION (1974) ARE MISSING, THE AREA EXCHANGE HAS COMPILED FROM INFORMAL HANDWRITTEN NOTES MADE IN 1975 A TABULATION OF HOURS WORKED IN EXCESS OF FORTY HOURS PER WEEK BY GOOSE BAY EXCHANGE EMPLOYEES IN 1974. THIS TABULATION INDICATES THAT SHEILA SCOTT WOULD BE DUE A TOTAL OF ONLY \$97.46 FOR OVERTIME IN THE GOOSE BAY EXCHANGE RETAIL STORE DURING 1974, IF USAF WERE TO RETROACTIVELY APPLY TO EXCHANGE RETAIL EMPLOYEES THE REQUIREMENT OF THE NEWFOUNDLAND HOURS OF WORK ACT REGARDING #ASSISTANTS IN SHOPS." IF HER OVERTIME WHILE EMPLOYED IN THE EXCHANGE WAREHOUSE WERE ALSO INCLUDED, SHE WOULD BE DUE AN ADDITIONAL \$18.07 FOR A TOTAL OF \$115.53. IF WOULD NOT APPEAR, HOWEVER, THAT WAREHOUSE EMPLOYEES QUALIFY AS "ASSISTANTS IN SHOPS."

5. ALTHOUGH THE INFORMAL TABULATION REFERRED TO ABOVE WOULD SEEM TO CONSTITUTE AN ADEQUATE BASIS FOR CALCULATING THE AMOUNT OF SHEILA SCOTT CLAIM, IT DOES NOT RESOLVE THE CENTRAL ISSUE OF THE LEGAL BASIS FOR PAYMENT OF THE CLAIM. IN THE ABSENCE OF NEW DOCUMENTATION AND INFORMATION FROM CANADIAN AUTHORITIES, INCLUDING REPLY TO THE POINTS CONTAINED IN REFTEL, OUR POSITION REMAINS AS STATED IN PARA 6 REFTEL, I.E., THAT AVAILABLE DOCUMENTATION DOES NOT UNCLASSIFIED

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SUPPORT THE PAYMENT OF ANY CLAIM.

6. IN VIEW OF THE ABOVE, FURTHER EFFORTS TO LOCATE AND EXAMINE EMPLOYEE RECORDS OF THE GOOSE BAY EXCHANGE WOULD NOT SEEM TO BE WARRANTED. IF THE GOC WISHES TO PURSUE THE MATTER FURTHER IT WOULD BE MOST HELPFUL IF EMBASSY COULD ASCERTAIN GOC VIEWS ON THE POINTS RAISED IN PARAS 3 THRU 5 OF REFTEL AND PROVIDE COPIES OF THE APPLICABLE LAW OR LAWS AND LEGAL OPINIONS AS REQUESTED IN PARA 6 OF REFTEL. CHRISTOPHER

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